

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

6 NATIONAL RAILROAD PASSENGER ) 3:11-cv-00461-HDM-VPC  
CORPORATION, )  
7 Plaintiff, ) ORDER  
8 )  
9 vs. )  
10 JOHN DAVIS TRUCKING COMPANY, )  
INC., )  
11 Defendant. )  
12 )  
13 JOHN DAVIS TRUCKING COMPANY, )  
INC., )  
14 Counterclaimant, )  
15 vs. )  
16 NATIONAL RAILROAD PASSENGER )  
CORPORATION, UNION PACIFIC )  
17 RAILROAD COMPANY, and DOES 1-5, )  
18 Counterdefendants. )  
19 )  
20 UNION PACIFIC RAILROAD COMPANY, )  
21 Counterclaimant, )  
22 vs. )  
23 JOHN DAVIS TRUCKING COMPANY, )  
INC., )  
24 Counterdefendant. )

25 The motion in limine #3 of John Davis Trucking ("JDT") (#439)  
26 is **DENIED**. While the court has concluded that JDT's emergency  
27 motion should be denied, the court also concludes that, with the

1 exception of Mike West and Ted Bushnik, the plaintiff's conclusory  
2 description of the anticipated testimonies of its non-retained  
3 expert witnesses and designation of documents Bates stamped NRPC  
4 02749-02813, NRPC 02820-03054, UPRR 01312-1406, and UPRR  
5 00856-00877 is insufficient to provide a clear explanation of  
6 precisely what expenses were incurred and the reasonableness and  
7 necessity of those expenses. The assertion by Amtrak and Union  
8 Pacific that they have complied with the requirement of Federal  
9 Rule of Civil Procedure 26(a) (2) (C) (ii) is unpersuasive. The court  
10 is advised that the parties intend to commence taking depositions  
11 of these witnesses as early as May 14, 2014. Accordingly, Amtrak  
12 and Union Pacific shall 48 hours prior to the taking of the  
13 deposition any of the non-retained experts (excepting Mike West and  
14 Ted Bushnik) provide JDT with a summary of the facts and opinions  
15 to which the non-retained expert witnesses are expected to testify,  
16 together with a reference to the specific documents, such as  
17 receipts and work orders, which support the anticipated testimony.  
18 Should any depositions be scheduled to take place less than 48  
19 hours from the filing of this order, JDT shall be provided with a  
20 copy of the declarations ordered by the court no later than two  
21 hours prior to the deposition.

22 IT IS SO ORDERED.

23 DATED: This 13th day of May, 2014.

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26 UNITED STATES DISTRICT JUDGE  
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